

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

AMARIN PHARMA INC.,

Plaintiffs,

VS.

HIKMA PHARMACEUTICALS AND
DR. REDDY'S LABORATORIES
(DRL),

Defendants,

2:16-CV-2525-MMD-NJK

MINUTES OF PROCEEDINGS

DATED: January 14, 2020

PRESENT:

THE HONORABLE **MIRANDA M. DU, U.S. DISTRICT JUDGE**

DEPUTY CLERK: PEGGIE VANNOZZI COURT REPORTER: KATHY FRENCH

COUNSEL FOR PLAINTIFFS: Megan Keane, Christopher Sipes, Michael Kennedy, Jeffrey Ellikan, Alaina Whitt, Han Park, Daniel Farnolly, Eric Sonnenschein

COUNSEL FOR DEFENDANT HIKMA: Charles Klein, Eimeric Reig-Plessis, W. West Allen, Clair Fundakowski, Allison Heydorn

COUNSEL FOR DEFENDANT DRL: Constance Huttner, Michael Rounds, James Barabas

IN COURT PROCEEDINGS: Bench trial, day 2

Proceedings begin at 8:33 AM. Also present for Amarin: Joseph Kennedy as corporate representative, Barbara Kurys as patent counsel and Litigation Support Technician David Brooks. Also present for Defendants: Neema Kumar as corporate representative for Hikma, Andrew Allen and Deeph Jain as corporate representatives for DR and Litigation Support Technician Stephen Gros.

Ms. Keane advises that there is an error in Defendant's demonstrative slides used in cross examination of Steve Ketchum. Mr. Sipes suggests that Defense counsel could prepare a chart citing the specific "DDX" numbers. The court will address the concern

later in the day. The Court encourages counsel to meet and conferment o reach a resolution.

Matthew Budoff is sworn to testify. Mr. Kennedy examines the witness. Plaintiff's exhibit 1186 is marked and admitted. Stipulated exhibit 940 is admitted.

Recess: 10:18 AM – 10:39 AM.

Direct examination of **Steve Ketchum** resumes. Plaintiff's exhibit 1161 is marked and admitted. The witness is qualified as an expert in the areas of clinical treatment of lipidemia, including TG, and cardiology. Plaintiff's exhibits 989 and 269 are marked and admitted.

Recess: 9:12 AM – 9:38 AM (to resolve a technical issue.)

Direct examination of **Matthew Budoff** resumes. Plaintiff's exhibits 566, 1203, 1209, 288, 289, 277 and 285 are marked and admitted.

Recess: 10:55 AM – 11:21 AM.

Direct examination of **Matthew Budoff** resumes. Plaintiff's exhibits 26, 25, 22, 30, and 31 are marked and admitted.

Recess: 12:24 PM – 1:04 PM

Ms. Klein conducts cross examination of **Matthew Budoff**. Defendant's exhibits 1982, 1632, and 1578 are marked and admitted. . Defendant's exhibit 1554 is marked.

Recess: 2:55 PM – 3:16 PM.

Cross examination of **Matthew Budoff** resumes. Defendant's exhibits 203 and 2247 are marked and admitted. Mr. Kennedy conducts redirect examination. The witness is excused.

Mr. Sipes advises that Plaintiff closes their case.

Ms. Fundakowski presents Defendants' Rule 52(c) motion. Mr. Sipes responds. The Court reserves its ruling.

Jonathan Scheinberg is sworn to testify. Mr. Reig examines the witness. Defendants' exhibit 2226 is marked and admitted. The witness is qualified as an expert in cardiology. Defendant's exhibits 1953, 1957, 2266,.1984 and 1679 are marked and admitted. Defendant's exhibit 1960 is marked. The witness steps down.

The Court advises counsel that it will issue an oral ruling on Defendants' Rule 52(c) motion. For the reasons the Court has placed on the record, Defendants' Rule 52(c) motion is denied.

The Court has reviewed the 25 exhibits Defendants added to their exhibit list. The court encourages counsel to resolve the evidentiary issues. The Court will not exclude the late disclosed exhibits. Plaintiff's oral motion to exclude the late disclosed exhibits is denied.

Counsel agree to file the chart referencing the exhibits, page numbers and "DDX" numbers Mr. Klein utilized in cross examination of Steve Ketchum in CM/ECF. The Courtroom Administrator will file the minutes of proceedings for January 13, 2020.

The bench trial is continued to January 15, 2020 at 8:30 AM.

Recess: 5:32 PM.

DEBRA K. KEMPI, CLERK
U.S. District Court
By: Peggie Vannozzi
Deputy Clerk